IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA,	§	
	§	
	§	
	§	
v.	§	CASE NUMBER 4:16-CR-00003-ALM
	§	
	§	
EDWARD LAERCIO GONGORA-	§	
AGUINO (5),		

FINDINGS OF FACT AND RECOMMENDATION ON GUILTY PLEA
BEFORE THE UNITED STATES MAGISTRATE JUDGE

Pursuant to 28 U.S.C. § 636(b), this matter has been referred by the District Court for administration of the guilty plea and allocution under Rule 11 of the Federal Rules of Criminal Procedure.

On March 23, 2016, this cause came before the undersigned United States Magistrate Judge for guilty plea and allocution of the Defendant on Count One of the Indictment. Count One charges a violation of Title 46 U.S.C. §§70503(a) and 70506(a) and (b) –Conspiracy to Possess with the Intent to Distribute Cocaine while on board a vessel subject to the jurisdiction of the United States. After conducting said proceeding in the form and manner prescribed by Fed. R. Crim. P. 11, the Court finds:

a.   That the Defendant, after consultation with counsel of record, has knowingly and voluntarily consented to the administration of the Guilty Plea and Allocution in this cause by a United States Magistrate Judge subject to a final approval and imposition of sentence by the District Court.

b.   That the Defendant and the Government have entered into a plea agreement which has been filed and disclosed in open court pursuant to Fed. R. Crim. P. 11(c)(2) and 11(c)(1)(C).

c.   That the Defendant is fully competent and capable of entering an informed plea, that the Defendant is aware of the nature of the charges and the consequences of the plea, and that the plea of guilty is a knowing and voluntary plea supported by an independent basis in fact containing each of the essential elements of the offense.

IT IS THEREFORE RECOMMENDED that the District Court, conditioned upon a review of the pre-sentence report, accept the Plea Agreement and the guilty plea of the Defendant, and that **EDWARD LAERCIO GONGORA-AGUINO** should be finally adjudged guilty of the offense listed above.

SIGNED this 23rd day of March, 2016.

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Christine A. Nowak
UNITED STATES MAGISTRATE JUDGE